

TITLE 329 SOLID WASTE MANAGEMENT BOARD

IDEM'S SUGGESTED CHANGES TO THE PROPOSED RULE CONCERNING CLARIFICATIONS, CONSISTENCY CHANGES, AND ORGANIZATIONAL CHANGES TO SOLID WASTE PROCESSING FACILITIES REGULATED AT 329 IAC 11, INCLUDING TRANSFER STATIONS.

LSA DOCUMENT #06-70

Changes referenced are to the document that was preliminarily adopted on July 21, 2009:

1. 329 IAC 11-2-2.3 Add the words “**processing facility**” before the word “**boundary**”.
Change the last sentence to read “..., **then the land that would otherwise be adjoining if not for the presence of the road or other right-of-way is also adjoining.**”
2. 329 IAC 11-2-5.3 Delete all words in the sentence after the word “**40 CFR 261.5**”.
3. 329 IAC 11-2-8.3 Add the words “**management or**” before the word “**disposal**”.
4. 329 IAC 11-2-8.6 Delete this definition “Current closure cost estimate”.
5. 329 IAC 11-2-8.7 Delete this definition “Current post-closure cost estimate”.
6. 329 IAC 11-2-9.2 Add the words “**application as approved by the commissioner**” after the word “**permit**”.
7. 329 IAC 11-2-10.1 Add the word “**imminently**” before the words “**threaten human health**”.
8. 329 IAC 11-2-10.4 Delete the words “**may consist of**” and add the word “**means**” before the words “**one (1) or more**”.
9. 329 IAC 11-2-10.5 Add the words “**specified in the plans approved by the commissioner**” after the word “**facility**”.
10. 329 IAC 11-2-24.2 Delete the word “**disposal**” and add the word “**processing**”.

11. 329 IAC 11-3-1 Add the words “**Processing and**” before the word “disposing” to (1). Delete (8) and (11) and renumber. Take out the words “**Other uses of**” in (13) and change (15)(B) to read “**(B) The solid waste in the container is only non-municipal solid waste.**” Add (15)(C) to read “**(C) The solid waste is stored in the container for not more than ten (10) days.**”

12. 329 IAC 11-9-1 Revise as follows:

“Sec. 1. (a) Unless excluded in [329 IAC 11-3](#), any person who constructs or operates a solid waste processing facility as defined under [329 IAC 11-2-43](#) shall have a solid waste processing facility permit under this article.

~~(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located also shall sign the application form acknowledging the land owner's responsibility in accordance with [329 IAC 11-11-4](#).~~

~~(c)~~ (b) In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall:

- (1) notify the commissioner of the change within fifteen (15) days; and
- (2) submit corrected information within a reasonable period of time.

~~(d) It is grounds to~~ (c) **The commissioner may deny a permit application, including a renewal permit, to any applicant if such or place additional conditions on a permit if the commissioner determines the following demonstrate the applicant's inability or unwillingness to process the solid waste under requirements of this article or a facility permit:**

(1) **The applicant has been convicted of a crime under [IC 13-30-6](#) or [IC 36-9-30-35](#).** ~~or if such~~
(2) **The commissioner, under [IC 13-15-7](#), has revoked the applicant's previous permit to operate under:**

- (A) ~~this article; or the previous articles;~~
- (B) [329 IAC 1.5](#), which was repealed in 1989; or
- (C) [329 IAC 2](#), which was repealed in 1996. ~~has been revoked by the commissioner under [IC 13-15-7-1](#);~~

(3) **The applicant is not in compliance with or has a history of violations of the environmental protection acts, rules promulgated thereunder, or a permit issued thereunder.”**

13. 329 IAC 11-9-2(a)(8) and (9) Unstrike the words “under 329 IAC 11-16” in subdivision (8) and (9). In (8), move “**under 329 IAC 11-16**” to follow the words “**post-closure plan**”.
14. 329 IAC 11-9-2(a)(12) Replace the words “Certification verification” with the word “**Documentation**”. Delete the words “, or the county commissioners if there is no zoning authority”.
15. 329 IAC 11-9-4(d) Change the date “**2009**” to “**2010**”.
16. 329 IAC 11-11-6(a)(1) Add the words “**or if the solid waste processing facility is used for purposes other than those specified in the permit**” after the words “IC 13-15-7-1”.
17. 329 IAC 11-11-6(a)(2) Delete the bold words “**A permit may be revoked if the solid waste processing facility is used for purposes other than those specified in the permit.**”.
18. 329 IAC 11-12-2(4) Add the words “**under 329 IAC 11-16**” after the word “established” and delete the bold words “**as prescribed for solid waste land disposal facilities under 329 IAC 10-39**”. Change the word “**facilities**” to the word “**facility**”.
19. 329 IAC 11-13.5-6(a)(1) Delete the word “**either**” and the words “**or not in operation with waste stored on the floor in the facility building**”.
20. 329 IAC 11-13.5-6(b) Add the words “**when not in use**” after the words “**clean and litter free**”.
21. 329 IAC 11-13.5-6(e)(1) Change the word “**unsightliness**” to the words “**pollution hazard**”.
22. 329 IAC 11-13.5-6(h)(2) Add the word “**an enclosed**” before the word “**building**” in two places.

23. 329 IAC 11-13.5-13(b)(4) Delete the words “and IC 13-11-23.5(2)(6)” and add “**and**” after “**410 IAC 1-3-26**”.
24. 329 IAC 11-13.5-15(2) Add after the words “**nationally recognized biohazard symbol**” the words “**, Unicode U+2623,**”.
25. 329 IAC 11-16-3(h)(2) Change the words “**real estate**” to the words “**property on**”.